

Serial No. 10/729,502

Art Unit 3637

REMARKS:

Claims 1-12, 14, 18, and 19 have been cancelled. Thus, claims 13, 15-17, and 20 remain pending.

The Examiner objected to the drawings because claim 13 has been interpreted to include a shelf being supported by three structures (i.e., an existing wall and at least two screening members), whereas the drawings all show a shelf being supported by only two structures. In response, claim 13 has been amended to more clearly recite that the removable shelf is horizontally supported through frictional engagement with one of the at least two screening members and the existing wall. Accordingly, the drawings are now believed to be in compliance with 37 CFR 1.83(a) because Fig. 4 depicts a shelf supported through frictional engagement with one screening member (34) and an existing wall (32b).

Claims 13, 15-17 and 20 were rejected under 35 U.S.C. 112, first paragraph, for failing to indicate whether one or both of the "at least two screening members" are used (along with an existing wall) to support the "at least one shelf" of the invention. In response, claim 13 has been amended to recite a shelf that is "horizontally supported through frictional engagement with one of the at least two screening members and said existing wall." This amendment is supported by Fig. 4 and the description thereof, in that this portion of the specification makes it clear that one screening member 34 is supporting the shelf 36 along with existing wall 32b. Consequently, claim 13 and all claims depending therefrom are believed to be in compliance with 35 U.S.C. 112. The remaining rejections under 35 U.S.C. 112 are related to claims that have been cancelled and are, therefore, not addressed.

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The Examiner rejected claims 1, 2, 4, 7, 8 10, 13, 15 and 17 under 35 U.S.C. 102 as being anticipated by Katz (U.S. Patent No. 5,954,411). Katz discloses a two-stepped cabinet that "is intended for use in the spacing between two adjacent studs in a wall" (see Abstract). The shelves of Katz's cabinet are supported by slots 56 in the existing wall studs 16. In contrast, the applicant claims, in relevant part:

wherein the screening members and said at least one shelf are configured to enclose an area including said pump[[.]] and wherein said at least one removable shelf is horizontally supported through frictional engagement with one of the at least two screening members and ~~an~~said existing wall.

Hence, the applicant's invention requires the shelf to be horizontally supported through frictional engagement with a screening member that is not part of the existing wall and to enclose an area including a pump as shown in Fig. 4. As is seen in Katz's Fig. 1, there is no disclosure of the combination of an enclosed area including a pump and the other limitations of claim 13. Accordingly, claim 13, as amended, is not anticipated. The remaining rejections under 35 U.S.C. 102 relate to claims that have been cancelled and are, therefore, not addressed.

The Examiner also rejected claims 3, 9 and 16 under 35 U.S.C. 103(a) as being obvious over Katz. In view of the amendments made to the only remaining independent claim (13), the applicant respectfully submits that the Katz reference does not disclose or suggest enclosing an area including a pump with a shelving unit as claimed.

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Given the amendments and remarks above, the applicant respectfully believes that all pending claims are now rendered allowable.

No fee is believed to have been incurred. Should there be any unforeseen costs, please charge our Deposit Account No. 17-0055.

Respectfully submitted,

Quarles & Brady Streich Lang LLP



Gavin J. Milczarek-Desai
Reg. No. 45,801

(520) 770-8716 phone
(520) 770-2235 fax